

## ATTACHMENT B ENVIRONMENTAL CHECKLIST

### I. BACKGROUND

1. **Project title:** *Basin Plan Amendment to Incorporate Organochlorine Compounds TMDLs for San Diego Creek, Upper and Lower Newport Bay, Orange County, California*
2. **Lead agency name and address:** *California Regional Water Quality Control Board, Santa Ana Region, 3737 Main Street, Suite 500, Riverside, CA 92501-3348*
3. **Contact person and phone number:** *Wanda Cross, (951) 782-4468*
4. **Project location:** *San Diego Creek/Newport Bay Watershed, Orange County, CA*
5. **Project sponsor's name and address:** *California Regional Water Quality Control Board, Santa Ana Region, 3737 Main Street, Suite 500, Riverside, CA 92501-3348*
6. **General plan designation:** *Not applicable*
7. **Zoning:** *Not applicable*
8. **Description of project:** *Adoption of a Basin Plan amendment to incorporate Organochlorine Compounds TMDLs for San Diego Creek, Upper and Lower Newport Bay. The TMDLs establish wasteload allocations and load allocations for allowable total DDT and toxaphene inputs by all identified sources that discharge to San Diego Creek; the TMDLs also establish wasteload allocations and load allocations for allowable total DDT, total PCBs, and chlordane inputs by all identified sources that discharge to Upper and Lower Newport Bay. The intent is to achieve numeric water quality targets that will protect the beneficial uses of San Diego Creek, Upper and Lower Newport Bay. The Basin Plan amendment includes an implementation plan that details the actions required by the Regional Board and other responsible parties for implementing the TMDLs.*
9. **Surrounding land uses and setting:** *Not applicable*
10. **Other public agencies whose approval is required:** *The Basin Plan amendment must be approved by the State Water Resources Control Board and the Office of Administrative Law before it becomes effective.*

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology/Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation / Traffic
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	

**II. DETERMINATION**

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment.
- ☒ I find that the proposed project MAY have a significant effect on the environment. However, there are feasible alternatives and/or mitigation measures available that will substantially lessen any adverse impact. These alternatives are discussed in the attached written report.
- ☐ I find that the proposed project MAY have a significant effect on the environment. There are no feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse impact. See the attached written report for a discussion of this determination.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Wanda Cross  
Chief, Coastal Waters Planning

### III. ENVIRONMENTAL IMPACTS

#### CEQA Checklist

Question	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b> - Would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				X
<b>II. AGRICULTURE RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				

### CEQA Checklist

Question	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
<b>IV. BIOLOGICAL RESOURCES</b> - Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		

**CEQA Checklist**

Question	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
<b>V. CULTURAL RESOURCES</b> - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
<b>VI. GEOLOGY AND SOILS</b> - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X

**CEQA Checklist**

Question	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
<b>VII. HAZARDS AND HAZARDOUS MATERIALS -</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

**CEQA Checklist**

Question	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<b>VIII. HYDROLOGY AND WATER QUALITY -</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-site or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-site or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X

**CEQA Checklist**

Question	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
<b>IX. LAND USE AND PLANNING</b> - Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<b>X. MINERAL RESOURCES</b> - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<b>XI. NOISE</b> - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X

**CEQA Checklist**

Question	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
<b>XII. POPULATION AND HOUSING</b> - Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
<b>XIII. PUBLIC SERVICES</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X

**CEQA Checklist**

Question	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Fire protection? Police protection? Schools? Parks? Other public facilities?				
<b>XIV. RECREATION</b> - Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X
<b>XV. TRANSPORTATION/TRAFFIC</b> - Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X

**CEQA Checklist**

Question	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
<b>XVI. UTILITIES AND SERVICE SYSTEMS</b> – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		

**CEQA Checklist**

Question	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? (‘Cumulatively considerable’ means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X

## Attachment - Environmental Checklist

### Discussion of Environmental Impacts

#### **Explanation of Environmental Checklist “Less than Significant with Mitigation” and “Less than Significant” Answers**

**Note:** Adoption of the Basin Plan amendment to incorporate Organochlorine TMDLs for San Diego Creek and Newport Bay will not have any direct adverse impact on the environment. Implementation of actions necessary to achieve the TMDLs may affect the environment, as described below. However, the intent of TMDL implementation is to restore and protect the water quality and beneficial uses of Newport Bay, San Diego Creek and its tributaries. Any potential adverse environmental effects associated with TMDL implementation will be subject to project-specific CEQA analysis and certification to assure appropriate avoidance/minimization and mitigation.

During dry weather, effective implementation of BMPs already employed in the watershed should be largely successful in preventing organochlorine loading to surface waters. However, because large-scale erosion and sedimentation primarily occurs during large storm events, these traditional BMPs may have limited success in reducing/eliminating the discharge of potentially-contaminated sediments to receiving waters during wet weather. The less- than- significant impacts identified in this checklist relate to the potential implementation of more advanced BMPs, the construction of sediment detention basins/natural treatment wetlands, and in-creek or in-bay dredging. It should be noted that the stakeholders in the Newport Bay watershed already have extensive experience and expertise with dredging, detention basin and natural treatment system construction and operation (e.g., periodic dredging of Newport Bay and implementation of sediment detention basins in the watershed and San Diego Creek, as well as natural treatment wetland systems). Given this, the stakeholders have considerable expertise in conducting CEQA analysis and in identifying and implementing alternatives and mitigation measures that have reduced adverse environmental impacts to less than significant. Furthermore, many of these actions are already being implemented in response to established waste discharge requirements and/or TMDLs for the watershed (e.g., the sediment TMDL). The implementation of these organochlorine compounds TMDLs would not increase the potential for adverse environmental impact associated with these activities or the need for suitable alternatives and mitigation measures.

#### **I. Aesthetics (a) and (c)**

Large-scale dredging activities in Newport Bay and/or construction of large sediment detention basins in the watershed, if pursued by the stakeholders as a method of

compliance with these TMDLs, could have adverse impacts on scenic vistas or the existing visual character of specific sites, such as Newport Bay. However, such impacts would be temporally limited and or could reasonably be mitigated by vegetative buffers and the like.

### **III. Air Quality (a)**

The use of heavy equipment and/or transport of requisite equipment to construct sediment detention basins or to conduct dredging activities could result in air quality impacts. However, such impacts would be temporary.

### **IV. Biological Resources (a), (b), (c) and (d)**

Prior to approving these TMDLs, USEPA must consult with US Fish and Wildlife Service (USFWS), pursuant to Section 7 of the Endangered Species Act, in order to ensure that the project will not jeopardize any federally listed species. Agency consultation will also occur with the California Department of Fish and Game, to ensure that the project will be in compliance with the California Endangered Species Act (CESA). Consultation with trustee agencies, and implementation of mitigation measures they identify, will ensure that the project will not cause any significant adverse impacts to biological resources.

Construction of detention basins and natural treatment wetlands, and dredging activities, if pursued by the stakeholders to comply with the TMDLs, have the potential to adversely affect biological resources, including candidate, sensitive, or special species, riparian and wetland habitats and movements of fish and wildlife. However, measures can be implemented (and have already been successfully implemented in this watershed) to mitigate these impacts to levels that are less than significant. These include project timing to avoid sensitive species presence and/or nesting activities, design features to avoid/minimize impacts, and implementation of alternatives. Each such project would necessarily be subject to specific CEQA review and certification.

### **VIII. Water Quality and Hydrology (a)**

The proposed TMDLs call for reductions in the discharge of OCs that are associated with fine particulates. Management measures to control the discharge of fine sediments may include the use of chemical flocculating agents. Polyacrylamide monomer (PAM) is a flocculating agent that is currently being used as a means to reduce sediment in dry weather discharges from commercial nurseries. Used appropriately, this compound has been shown to pose an inconsequential threat to water quality.

Dredging and other construction activities could result in adverse impacts on water quality. However, BMPs, such as silt curtains and other erosion/sediment control measures, are available to minimize these impacts to less than significant levels.

#### **XI. Noise (d)**

Dredging and detention basin construction activities may result in increases in noise levels. However, such impacts would be short-term and limited in duration. Adverse effects to humans can be reduced via project timing .

#### **XVI. Utilities and Service Systems (c)**

The proposed TMDLs call for reductions in the discharge of OCs associated with fine particulates. Implementation of the TMDLs may necessitate the construction of large, regional sediment detention basins to capture fine sediments in storm water. Any such projects would require a project-level CEQA analysis and mitigation of any potential adverse environmental impacts to levels that are less than significant.